

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

MICHAEL R. EVANS and SHERI EVANS)

Plaintiffs,)

v.)

CASE NO.: 2:12-CV-186-TLS

DART TRANSIT COMPANY and JACK)
R. WEBSTER)

Defendants.)

ORDER

This matter is before the Court on the Plaintiffs' Motion for Sanctions [ECF No. 25] filed on July 2, 2013. The Court referred this motion for to the Honorable Judge Paul R. Cherry, full-time Magistrate Judge for the Northern District of Indiana, on July 10, 2013, to prepare a report and recommendation on the pending motion.

A judge may refer a dispositive matter to a magistrate judge for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b), and Northern District of Indiana Local Rule 72-1.

This Court's review of the Magistrate's Report and Recommendation [ECF No. 42], issued December 4, 2013, is governed by 28 U.S.C. § 636(b)(1)(C) which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate. The judge may also receive further evidence or recommit the matter to the magistrate with instructions.

The statute also requires objections to the Magistrate's Report and Recommendations to be made within fourteen days of service of a copy of the Report. *Id.* § 636(b)(1)(C).

Because the parties have not filed any objections to the Magistrate's Report, de novo

review is not required. This Court finds that the Magistrate has correctly resolved the issues raised by the Plaintiffs' motion. Therefore, the Court accepts the Magistrate's Report and Recommendations on the Plaintiffs' Motion for Sanctions [ECF No. 25].

CONCLUSION

For the foregoing reasons, the Magistrate's Report and Recommendation [ECF No. 42] is ACCEPTED. The Court GRANTS the Plaintiffs' Motion for Sanctions [ECF No. 25], but, in the alternative to the requested default judgment, ORDERS that the Defendants are to turn over written discovery by January 31, 2014, turn over a written privilege log (excluding attorney-client communications) by January 31, 2014, make Dart Witness Gary Volkman available in northwest Indiana at Dart's expense for a Rule 30(b)(6) deposition, and make every effort to help Plaintiffs find former Dart employees who might have knowledge about the topics listed in Plaintiffs' Rule 30(b)(6) notice. Further, the Court WARNS that should the Defendants fail to comply with the Court's Order, additional and more extreme sanctions are possible.

SO ORDERED on December 30, 2013.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION